

**SOIL CONSERVATION AND LAND USE PROGRAMS****PART I. SOIL CONSERVATION AND DOMESTIC  
ALLOTMENT ACT****SOIL CONSERVATION AND DOMESTIC ALLOTMENT  
ACT<sup>1-1</sup>**

[As Amended Through P.L. 107-195, June 16, 2002]

AN ACT To provide for the protection of land resources against soil erosion, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [16 U.S.C. 590a]* That it is hereby recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment, and the Secretary of Agriculture, from now on, shall coordinate and direct all activities with relation to soil erosion and in order to effectuate this policy is hereby authorized, from time to time—

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;

(2) To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land;

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary, for the purposes of this Act; and

(4) To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this Act.

**LANDS ON WHICH PREVENTIVE MEASURES MAY BE TAKEN**

**SEC. 2. [16 U.S.C. 590b]** The acts authorized in section 1 (1) and (2) may be performed—

(1) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(2) On any other lands, upon obtaining proper consent or the necessary rights or interests in such lands.

**BENEFITS FOR NON-GOVERNMENT CONTROLLED LANDS**

**SEC. 3. [16 U.S.C. 590c]** As a condition of the extending of any benefits under this Act to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture

<sup>1-1</sup> P.L. 46, 74th Cong., 49 Stat. 163, April 27, 1935.

may, insofar as he may deem necessary for the purposes of this Act, require—

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for the prevention of soil erosion;

(2) Agreements or covenants as to the permanent use of such lands; and

(3) Contributions in money, services, materials, or otherwise, to any operations conferring such benefits.

#### PERSONNEL

SEC. 4. [16 U.S.C. 590d] For the purposes of this Act, the Secretary of Agriculture may—

(1) Secure the cooperation of any governmental agency;

(2) Subject to the provisions of the civil-service laws and the Classification Act of 1949, appoint and fix the compensation of such officers and employees as he may deem necessary, except for a period not to exceed eight months from the date of this enactment, the Secretary of Agriculture may make appointments and may continue employees of the organization heretofore established for the purpose of administering those provisions of the National Industrial Recovery Act which relate to the prevention of soil erosion, without regard to the civil-service laws or regulations and the Classification Act of 1949, as amended; and any person with technical or practical knowledge may be employed and compensated under this Act on a basis to be determined by the Director of the Office of Personnel Management,<sup>4-1</sup> and

(3) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, operation, and maintenance of passenger-carrying vehicles, and perform such acts, and prescribe such regulations, as he may deem proper to carry out the provisions of this Act.

#### [ESTABLISHMENT OF SOIL CONSERVATION SERVICE]

[SEC. 5.<sup>5-1</sup> [16 U.S.C. 590e]]

#### APPROPRIATION AUTHORIZED

SEC. 6. [16 U.S.C. 590f] There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary.

Appropriations for carrying out this Act allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock,

<sup>4-1</sup> “Director of the Office of Personnel Management” was substituted for “Civil Service Commission” by Reorganization Plan No. 2, Sec. 102, 43 F.R. 36037, 92 Stat. 3788, effective January 1, 1979.

<sup>5-1</sup> Sec. 246(f)(1) of the Department of Agriculture Reorganization Act of 1994, P.L. 103-354, 108 Stat. 3225, Oct. 13, 1994, repealed this section. For the previous version of this section, see pp. 1-2 and 1-3 of Vol. III—Conservation and Miscellaneous Programs (as of Oct. 8, 1993). Functions of Soil Conservation Service in Department of Agriculture with respect to soil and moisture conservation operations conducted on lands under jurisdiction of Department of the Interior were transferred to the Department of the Interior, to be administered by the Secretary of the Interior through such agencies in the Department of the Interior as the Secretary shall designate, by Reorganization Plan No. IV, Sec. 6, effective June 30, 1940, 5 F.R. 2421, 54 Stat. 1235, 5 U.S.C. 1337 note.

shall remain available for expenditure for not more than 3 fiscal years.

【Department of Agriculture Organic Act of 1944. SEC. 302. (b). <sup>6-1</sup> 【16 U.S.C. 590q-1】 The Soil Conservation Service subject to applicable regulations 1949, as amended, may sell and distribute supplies, materials, and equipment to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed by appropriations current at the time additional supplies, materials, or equipment are procured from the appropriations chargeable with the cost or value of such supplies, materials, or equipment.】

#### AGRICULTURAL CONSERVATION POLICY AND ENUMERATION OF PURPOSES

SEC. 7. 【16 U.S.C. 590g】 (a) It is hereby declared to be the policy of this Act also to secure, and the purposes of this Act shall also include, (1) preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources; (4) the protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of water and water courses and in aid of flood control; (5) reestablishment, at as rapid a rate as the Secretary of Agriculture determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five-year period August 1909–July 1914, inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio; (6) prevention and abatement of agricultural-related pollution,<sup>7-1</sup> and (7) the promotion of energy and water conservation through dry land farming.<sup>7-2</sup> The powers conferred under sections 7 to 14, inclusive, of this Act shall be used to assist voluntary action calculated to effectuate the purposes specified in this section. Such powers shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

(b)–(g) <sup>7-3</sup> \* \* \*

<sup>6-1</sup> Act of September 21, 1944, P.L. 78–425, 58 Stat. 738, as amended by Act of October 31, 1951, P.L. 82–247, 65 Stat. 707.

<sup>7-1</sup> Clause (6) was added by P.L. 92–419, 86 Stat. 676, August 30, 1972.

<sup>7-2</sup> Clause (7) was added by Sec. 1253 of the Food Security Act of 1985, P.L. 99–198, 99 Stat. 1517, Dec. 23, 1985.

<sup>7-3</sup> Section 7(b)–(g) repealed by the Food and Agriculture Act of 1962, P.L. 87–703, 76 Stat. 605, Sept. 27, 1962.

AUTHORITY OF THE SECRETARY TO MAKE PAYMENTS OR GRANTS OF  
AID DIRECTLY TO FARMERS

SEC. 8. [16 U.S.C. 590h] (a)<sup>8-1</sup> \* \* \*

(b)<sup>8-2</sup>

(1)<sup>8-2</sup> ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—The Secretary shall provide technical assistance, cost-share payments, and incentive payments to operators through the environmental quality incentives program in accordance with chapter 4 of subtitle D of title XII of the Food Security Act of 1985.

(5)<sup>8-3</sup> STATE, COUNTY, AND AREA COMMITTEES.—

(A) APPOINTMENT OF STATE COMMITTEES.—The Secretary shall appoint in each State a State committee composed of not fewer than 3 nor more than 5 members who are fairly representative of the farmers in the State. The members of a State committee shall serve at the pleasure of the Secretary for such term as the Secretary may establish.

(B)<sup>8-4</sup> ESTABLISHMENT AND ELECTIONS FOR COUNTY, AREA, OR LOCAL COMMITTEES.—

(i) ESTABLISHMENT.—

(I) IN GENERAL.—In each county or area in which activities are carried out under this section, the Secretary shall establish a county or area committee.

(II) LOCAL ADMINISTRATIVE AREAS.—The Secretary may designate local administrative areas within a county or a larger area under the jurisdiction of a committee established under subclause (I).

(ii) COMPOSITION OF COUNTY, AREA, OR LOCAL COMMITTEES.—A committee established under clause (i) shall consist of not fewer than 3 nor more than 5 members that—

(I) are fairly representative of the agricultural producers within the area covered by the county, area, or local committee; and

(II) are elected by the agricultural producers that participate or cooperate in programs administered within the area under the jurisdiction of the county, area, or local committee.

<sup>8-1</sup> Sec. 8(a) was repealed by section 101(2) of the Food and Agriculture Act of 1962, P.L. 87-703, 76 Stat. 605, Sept. 27, 1962.

<sup>8-2</sup> Sec. 336(a)(1)(A) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1004, April 4, 1996, amended this subsection (1) by striking paragraphs (1) through (4) and inserting paragraph (1); and (2) by striking paragraphs (6) through (8). For the previous version of this subsection, see pp. 1-4 through 1-7 of Vol. III—Conservation and Miscellaneous Programs (as of January 16, 1996).

<sup>8-3</sup> Sec. 227(a) of the Department of Agriculture Reorganization Act of 1994, P.L. 103-354, 108 Stat. 3216, Oct. 13, 1994, designated this paragraph as paragraph (5) and amended paragraph (5) in its entirety. For the previous version of this paragraph, see pp. 1-5 through 1-7 of Vol. III—Conservation and Miscellaneous Programs (as of Oct. 8, 1993). Section 740 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000, P.L. 106-78, 113 Stat. 1166, Oct. 22, 1999, provides as follows: “Notwithstanding any other provision of law, permanent employees of county committees employed on or after October 1, 1998, pursuant to 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be considered as having Federal Civil Service status only for the purpose of applying for the United States Department of Agriculture Civil Service vacancies.”

<sup>8-4</sup> Sec. 10708(b) of the Farm Security and Rural Investment Act of 2002, P.L. 107-171, 116 Stat. 522, May 13, 2002, amended subpara. (B) in its entirety.

## (iii) ELECTIONS.—

(I) IN GENERAL.—Subject to subclauses (II) through (V), the Secretary shall establish procedures for nominations and elections to county, area, or local committees.

(II) NONDISCRIMINATION STATEMENT.—Each solicitation of nominations for, and notice of elections of, a county, area, or local committee shall include the nondiscrimination statement used by the Secretary.

## (III) NOMINATIONS.—

(aa) ELIGIBILITY.—To be eligible for nomination and election to the applicable county, area, or local committee, as determined by the Secretary, an agricultural producer shall be located within the area under the jurisdiction of a county, area, or local committee, and participate or cooperate in programs administered within that area.

(bb) OUTREACH.—In addition to such nominating procedures as the Secretary may prescribe, the Secretary shall solicit and accept nominations from organizations representing the interests of socially disadvantaged groups (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)(1))).

## (IV) OPENING OF BALLOTS.—

(aa) PUBLIC NOTICE.—At least 10 days before the date on which ballots are to be opened and counted, a county, area, or local committee shall announce the date, time, and place at which election ballots will be opened and counted.

(bb) OPENING OF BALLOTS.—Election ballots shall not be opened until the date and time announced under item (aa).

(cc) OBSERVATION.—Any person may observe the opening and counting of the election ballots.

(V) REPORT OF ELECTION.—Not later than 20 days after the date on which an election is held, a county, area, or local committee shall file an election report with the Secretary and the State office of the Farm Service Agency that includes—

(aa) the number of eligible voters in the area covered by the county, area, or local committee;

(bb) the number of ballots cast in the election by eligible voters (including the percentage of eligible voters that cast ballots);

(cc) the number of ballots disqualified in the election;

(dd) the percentage that the number of ballots disqualified is of the number of ballots received;

(ee) the number of nominees for each seat up for election;

(ff) the race, ethnicity, and gender of each nominee, as provided through the voluntary self-identification of each nominee; and

(gg) the final election results (including the number of ballots received by each nominee).

(VI) NATIONAL REPORT.—Not later than 90 days after the date on which the first election of a county, area, or local committee that occurs after the date of enactment of the Farm Security and Rural Investment Act of 2002 is held, the Secretary shall complete a report that consolidates all the election data reported to the Secretary under subclause (V).

(VII) ELECTION REFORM.—

(aa) ANALYSIS.—If determined necessary by the Secretary after analyzing the data contained in the report under subclause (VI), the Secretary shall promulgate and publish in the Federal Register proposed uniform guidelines for conducting elections for members and alternate members of county, area, and local committees not later than 1 year after the date of completion of the report.

(bb) INCLUSION.—The procedures promulgated by the Secretary under item (aa) shall ensure fair representation of socially disadvantaged groups described in subclause (III)(bb) in an area covered by the county, area, or local committee, in cases in which those groups are underrepresented on the county, area, or local committee for that area.

(cc) METHODS OF INCLUSION.—Notwithstanding clause (ii), the Secretary may ensure inclusion of socially disadvantaged farmers and ranchers through provisions allowing for appointment of 1 additional voting member to a county, area, or local committee or through other methods.

(iv) TERM OF OFFICE.—The term of office for a member of a county, area, or local committee shall not exceed 3 years.

(v) PUBLIC AVAILABILITY AND REPORT TO CONGRESS.—

(I) PUBLIC DISCLOSURE.—The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, all data required to be collected and computed under section 2501A(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 and clause (iii)(V) collected annually since the most recent Census of Agriculture.

(II) REPORT TO CONGRESS.—After each Census of Agriculture, the Secretary shall report to Con-

gress the rate of loss or gain in participation by each socially disadvantaged group, by race, ethnicity, and gender, since the previous Census.

(C) **TERMINATION OR COMBINATION OF COMMITTEES.**—The Secretary may not terminate a county or area committee or combine or consolidate two or more county or area committees unless—

(i) the Secretary first notifies the committee or committees involved of the proposed action; and

(ii) the State committee of the State in which the affected counties are located approves of such action in a vote taken after the end of the 60-day period beginning on the date the notification is received.

(D) **USE OF COMMITTEES.**—The Secretary shall use the services of such committees in carrying out programs under this section and the agricultural credit programs under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) and in considering administrative appeals as provided by section 226(d) of the Department of Agriculture Reorganization Act of 1994. The Secretary may use the services of such committees in carrying out programs under other authorities administered by the Secretary.

(E) **REGULATIONS.**—The Secretary shall issue such regulations as the Secretary considers necessary relating to the selection and exercise of the functions of the respective committees, and to the administration through such committees of the programs described in subparagraph (D). Pursuant to such regulations, each county and area committee shall select an executive director for the area or county. Such selection shall be made in the same manner as provided for the selection of the county executive director under section 7.21(b)(2) of title 7, Code of Federal Regulations, as in effect on January 1, 1994. Regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, whenever practicable, they shall be classified on the following two bases:

(i) Soil-depleting practices.

(ii) Soil-building practices.

(F) **MANDATORY DUTIES OF SECRETARY.**—In carrying out this section, the Secretary shall—

(i) insofar as practicable, protect the interests of tenants and sharecroppers;

(ii) accord such encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in Federal laws and as will tend to promote efficient methods of marketing and distribution;

(iii) in every practicable manner, protect the interests of small producers; and

(iv) in every practical way, encourage and provide for soil-conserving and soil-rebuilding practices.

(G) **DISCRETIONARY AUTHORITIES OF SECRETARY.**—In carrying out this section, the Secretary may use other approved agencies.

(H) **LIMITATIONS.**—In carrying out this section, the Secretary shall not have the authority to acquire any land or any right or interest in land.

【Department of Agriculture Organic Act of 1956. SEC. 6(b).<sup>8-5</sup> [16 U.S.C. 590h-4]】

【PUBLIC LAW 85-278.<sup>8-6</sup> [16 U.S.C. 590h note] That, notwithstanding the provisions of subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act, two county committees shall be elected annually under such subsection for the counties or Otter Tail, Polk, and Saint Louis, in the State of Minnesota, and for the county of Pottowattamie, in the State of Iowa, and that the actions heretofore or hereafter taken by each of such committees shall be given the same effect in the area served by it as is given to the actions of the county committee in the county served by a single county committee.】

#### APPORTIONMENT OF ACREAGE ALLOTMENTS

(c)(1) In apportioning acreage allotments under this section in the case of wheat and corn, the National and State allotments and the allotments to counties shall be apportioned annually on the basis of the acreage seeded for the production of the commodity during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during the applicable period.

(2)<sup>8-7</sup> In the case of wheat, the allotment to any county shall be apportioned annually by the Secretary through the local committees, among the farms within such county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made. Notwithstanding any other provision of this section, the allotments established, or which would have been established, for any farm acquired in 1940 or thereafter by the United States for national-defense purposes shall be placed in an allotment pool and shall be used only to establish allotments for other farms owned or acquired by the owner of the farm so acquired by the United States. The allotments so made for any farm, including a farm in which wheat has not been planted during any of the three marketing years preceding the marketing year in which the allotment is made shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of wheat.

(3) In the case of corn, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acreage, type of soil, topography, and crop-rotation practices.

(4)<sup>8-8</sup> \* \* \*

(5) In determining normal yield per acre for any county under this section in the case of wheat or corn, the normal yield shall be

<sup>8-5</sup> Sec. 336(a)(2)(G) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1006, April 4, 1996, amended Sec. 6 of the Department of Agriculture Organic Act of 1956 (70 Stat. 1033) by striking subsection (b).

<sup>8-6</sup> Act of September 2, 1957, 71 Stat. 601.

<sup>8-7</sup> See section 333(d) of the Agricultural Act of 1938, as amended, regarding the national acreage allotment for 1966 and subsequent years of wheat.

<sup>8-8</sup> Repealed by the Act of April 10, 1989, P.L. 76-30, 53 Stat. 573.



the average yield per acre therein for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any reason, there is no actual yield, or the data therefor are not available for any year, then an appraised yield for such year, determined in accordance with regulations of the Secretary, shall be used. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural causes, the yield in any year of such ten-year period is less than 75 per centum of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based.

(6) In determining normal yield per acre for farm under this section in the case of wheat or corn, the normal yield shall be the average yield per acre thereon for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any such year the data are not available, or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with the regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

[(d)-(f) <sup>8-9</sup>]

#### ASSIGNMENT OF PAYMENT

(g) A payment that may be made to a producer under this section may be assigned only in accordance with regulations issued by the Secretary. This subsection shall not authorize any suit against or impose any liability on the Secretary, any disbursing agent, or any agency of the United States if payment is made to the producer without regard to the existence of any such assignment. <sup>8-10</sup>

**[NAVAL STORES CONSERVATION PROGRAM.—[16 U.S.C. 590h-1]** In administering the naval stores conservation programs authorized in section 8 and making payments thereunder to gum naval stores producers the Secretary may utilize the services of regional associations of such producers or any agency of the Government in lieu of the State, county, and other local committees utilized in the other agricultural conservation programs if he finds that more efficient administration will result, and the provisions of section 388(b) of the Agricultural Adjustment Act of 1938 shall otherwise be applicable to the administration of said naval stores conservation programs.]

<sup>8-9</sup> Sec. 336(a)(1)(A)(ii) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1004, April 4, 1996, struck subsections (d), (e), and (f). For the previous version of subsections (d), (e), and (f), see pp. 1-9 through 1-11 of Vol. III—Conservation and Miscellaneous Programs (as of January 16, 1996).

<sup>8-10</sup> Act of June 16, 1938, P.L. 75-644, 52 Stat. 746. Section 1146 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3516, revised this subsection in its entirety.

## SURVEYS, INVESTIGATIONS, AND REPORTS

SEC. 9.<sup>9-1</sup> [16 U.S.C. 590i] The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and methods of accomplishing most effectively, the policy and purposes of section 7(a). Notwithstanding any provision of existing law, the Secretary is authorized to make public such information as he deems necessary to carry out the provisions of this Act.

## DEFINITION OF AGRICULTURAL COMMODITY

SEC. 10. [16 U.S.C. 590j] The term “agricultural commodity” as used in this Act means any such commodity and any regional or market classification, type, or grade thereof.

## AVAILABILITY OF FUNDS

SEC. 11. [16 U.S.C. 590k] All funds available for carrying out this Act shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State Governments, or to local public agencies, as the Secretary may request to cooperate or assist in carrying out this Act, and for payments to committees or associations of producers in any region or regions to cover the estimated administrative expenses to be incurred by any such committee or association in cooperating in carrying out this Act: *Provided*, That the Secretary may prescribe that all or part of such estimated expenses of any such committee or association may be deducted pro rata from the payments or grants made to the members thereof: *Provided further*, That the Secretary may make such payments in advance of determination of performance.<sup>11-1</sup> Funds so transferred may be placed in a single account for each State.

EXPANSION OF MARKETS FOR AGRICULTURAL COMMODITIES AND  
ADVANCING FUNDS TO FEDERAL CROP INSURANCE CORPORATION

SEC. 12. [16 U.S.C. 590l] (a) Whenever the Secretary finds that the exercise of the powers conferred in this section will tend to carry out the purpose specified in clause (5) of section 7(a), or will tend to provide for and maintain a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers, or both, he shall use such part as he deems necessary of the sums appropriated to carry out this Act for the expansion of domestic and foreign markets or for seeking new or additional markets for agricultural commodities or the products thereof or for the removal or disposition of surpluses of such commodities or the products thereof.

(b)<sup>12-1</sup> The Secretary is authorized to make advances to producers for the purpose of assisting them to insure their crops with the Federal Crop Insurance Corporation. The Secretary shall remit the amount of any such advances to a producer directly to such Cor-

<sup>9-1</sup> Sec. 9 was amended by sec. 103(c), P.L. 97-375, 96 Stat. 1819, Dec. 21, 1982, to delete a requirement that the Secretary submit an annual report to Congress.

<sup>11-1</sup> Sec. 336(a)(1)(B) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1005, April 4, 1996, amended this section by striking “performance: *Provided further*, That the transfer of funds for services of technicians in formulating and carrying out agricultural conservation programs, from allotments for agricultural conservation payments within a State, shall be subject to such limitations and conditions as may be provided in appropriation or other law” and inserting “performance”.

<sup>12-1</sup> See section 391(c) of the Agricultural Adjustment Act of 1938, as amended.

poration in payment of the premium on the insurance for which the producer has made application. Advances shall only be made to producers who are participating or who agree to participate in a program formulated pursuant to section 8. Except as otherwise provided in this subsection, the terms and conditions of such advances shall be fixed by the Secretary. In carrying out the provisions of this subsection, the Secretary may transfer to the Federal Crop Insurance Corporation, prior to the execution of applications for insurance or requests for advances by producers, the funds estimated as necessary to cover the advances which will be requested for the payment of premiums under a crop-insurance program, and any portion of any funds not used in advances to producers under such program shall be returned to the Secretary by the Federal Crop Insurance Corporation.

EXECUTION OF POWERS OF SECRETARY BY PRODUCTION AND  
MARKETING ADMINISTRATION

SEC. 13. [16 U.S.C. 590m] Notwithstanding the foregoing provisions of this Act, the Secretary is authorized and directed to provide for the execution by the Production and Marketing Administration of such powers conferred upon him under sections 7 to 14, inclusive, of this Act as he deems may be appropriately exercised by such Administration, and for such purposes the provisions of law applicable to the appointment and compensation of persons employed by the Production and Marketing Administration shall apply.

FINALITY OF DETERMINATIONS

SEC. 14. [16 U.S.C. 590n] The facts constituting the bases for any payment or grant or the amount thereof authorized to be made under section 7<sup>14-1</sup> hereof, when officially determined in conformity with rules or regulations prescribed by the Secretary of Agriculture, shall be reviewable only by the Secretary of Agriculture.<sup>14-2</sup>

<sup>14-1</sup> Sec. 336(a)(1)(C)(i) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1005, April 4, 1996, amended this sentence by striking "or 8".

<sup>14-2</sup> Sec. 336(a)(1)(C)(ii) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1005, April 4, 1996, struck a second sentence. For the previous version of the sentence, see pp. 1-13 of Vol. III—Conservation and Miscellaneous Programs (as of January 16, 1996).

## APPROPRIATIONS, AUTHORIZATIONS AND ALLOCATIONS OF FUNDS

SEC. 15.<sup>15-1</sup> [16 U.S.C. 590o] To enable the Secretary of Agriculture to carry out the purposes of section 7<sup>15-2</sup> there is hereby authorized to be appropriated for any fiscal year not exceeding \$500,000,000. The amount appropriated shall be available until expended.<sup>15-3</sup> The Secretary shall distribute the funds available for financial assistance among the several States in accordance with their conservation needs, as determined by the Secretary.<sup>15-4</sup>

[LIMITATION ON OBLIGATIONS INCURRED; GREAT PLAINS  
CONSERVATION PROGRAMSEC. 16.<sup>16-1</sup>]

## PAYMENT LIMITATIONS AS TO WETLANDS IN CERTAIN STATES

SEC. 16A.<sup>16A-1</sup> [16 U.S.C. 590p-1] The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this Act, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and that preservation of such land in its undrained status will materially contribute to wildlife preservation and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture within ninety days after the filing of the application for drainage assistance: *Provided*, That the limitation against furnishing such financial or technical assistance shall terminate (1) at such time as the Secretary of the Interior notifies the Secretary of Agriculture that such limitation should not be applicable, (2) one year after the date on which the adverse finding of the

<sup>15-1</sup> Sec. 336(a)(1)(D)(ii) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1005, April 4, 1996, struck the second undesignated paragraph of this section. For the previous version of the paragraph, see pp. 1-14 of Vol. III—Conservation and Miscellaneous Programs (as of January 16, 1996).

Additional provisions relating to the program appear in the annual appropriation Act of the Department.

The Department of Agriculture and Related Agencies Appropriation Act, 1962, 75 Stat. 233, provided with respect to the program “. . . hereafter not to exceed 10 per centum of the basic allocation for any State may be used to increase the State’s preceding program. . .”.

See section 391 of the Agricultural Adjustment Act of 1938, as amended, for provisions authorizing Commodity Credit Corporation each fiscal year to loan to the Secretary “such sums, not to exceed \$50,000,000 as he estimates will be required during such fiscal year, to make crop insurance premium advances and to make advances pursuant to the applicable provisions of sections 8 and 12 of the Soil Conservation and Domestic Allotment Act, as amended, in connection with programs applicable to crops harvested in the calendar year in which such fiscal year ends. . .” This authority is used to borrow funds required during a fiscal year to pay vendors for purchases by farmers of conservation materials and services needed under the program.

<sup>15-2</sup> Sec. 336(a)(1)(D)(i)(I) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1005, April 4, 1996, amended this sentence by striking “sections 7 and 8” and inserting “section 7”.

<sup>15-3</sup> Sec. 336(a)(1)(D)(i)(II) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1005, April 4, 1996, struck the former third sentence. For the previous version of the sentence, see pp. 1-13 of Vol. III—Conservation and Miscellaneous Programs (as of January 16, 1996).

<sup>15-4</sup> Sec. 1501 of the Food and Agriculture Act of 1977, P.L. 95-113, 91 Stat. 1020, Sept. 29, 1977, added the last three sentences of Sec. 15 and deleted the previous second paragraph.

<sup>16-1</sup> Sec. 336(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1006, April 4, 1996, repealed section 16. For the previous version of section 16, see pp. 1-14 through 1-17 of Vol. III—Conservation and Miscellaneous Programs (as of January 16, 1996).

<sup>16A-1</sup> Section 16A was added by the Act of October 2, 1962, P.L. 87-732, 76 Stat. 696.

Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource, or (3) five years after the date on which such adverse finding was filed if such an offer to lease or to purchase such wetland area has not been accepted by the owner thereof: *Provided further*, That upon any change in the ownership of the land with respect to which such adverse finding was filed, the eligibility of such land for such financial or technical assistance shall be redetermined in accordance with the provisions of this section.

SCOPE OF ACT; DEFINITION OF STATE

SEC. 17. [16 U.S.C. 590q] (a) This Act shall apply to the States, the Commonwealth of Puerto Rico, and the Virgin Islands, and, as used in this Act, the term "State" includes Puerto Rico and the Virgin Islands.

(b) This Act may be cited as the "Soil Conservation and Domestic Allotment Act."